



NAVAJO NATION HUMAN RIGHTS COMMISSION

P.O. Box 129

St. Michaels, Navajo Nation (Arizona) 86511

Phone: (928)871-7436 Fax: (928)871-7437

www.nnhrc.navajo-nsn.gov



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FOR IMMEDIATE RELEASE:

February 28, 2013

Media Contact: Rachelle Todea

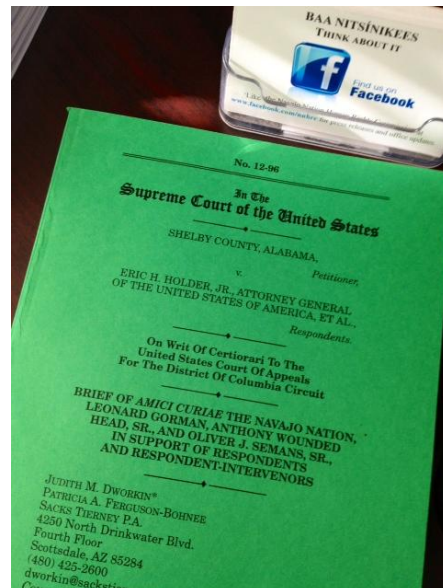
rtodea@navajo-nsn.gov

The Navajo Nation, Navajo human rights official, an Oglala citizen and a Rosebud citizen file an *Amici Curiae* to U.S. Supreme Court

"The Evidence Reveals that There Is a Continued Need for Section 5" and "Section 5 preclearance continues to Protect Indian Voters."

SAINT MICHAELS, Navajo Nation—Yesterday, as arguments began at the Supreme Court of the United States about the constitutionality of the Voting Rights Act in *Shelby County v. Holder* case, the Navajo Nation, the Navajo Nation Human Rights Commission Executive Director Leonard Gorman, Rosebud Sioux Nation member and Four Direction Executive Director Oliver J. Semans, Sr., and Oglala Sioux Tribe member Anthony Wounded Head, Sr., joined in filing an *amici curiae* ("friends of the court") brief to the Supreme Court stating a continued need for Section 5 of the VRA to protect Indian voters.

The brief was filed with the U.S Supreme Court on February 1, 2013, according to the U.S. Supreme Court docket which also lists many briefs.



Amici Curiae brief filed on February 1, 2013, with the U.S. Supreme Court.

"The [friends of the court] file this brief to elucidate the importance that the Voting Rights Act and, in particular, Section 5 preclearance, has had in overcoming the purposeful efforts to disenfranchise Indian voters," according to the brief and continues near the end, "This case should be resolved with a ruling in the Respondent's favor, because reauthorization is supported by the Congressional Record and is a valid exercise of Congressional enforcement powers."

The respondent's favor in this case is the United States for the Voting Rights Act.

With that, the Navajo Nation says the judgment of the court for the Voting Rights Act should be affirmed.

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Congress enacted the Voting Rights Act in response to the methods used by states which prevented minority populations from voting. The purpose of the Act is to ensure that the right of all citizens to vote, including the right to register to vote and cast meaningful votes, is preserved and protected as guaranteed by the Constitution. Congress found that vestiges of discrimination in voting continue to exist as demonstrated by second generation barriers constructed to prevent minority voters from fully participating in the electoral process.

Section 2 and Section 5 are of particular importance for the Navajo Nation because the two sections prohibit discrimination.

Section 2 applies to all jurisdictions and prohibits the imposition of a “voting qualification or prerequisite to voting, or standard, practice or procedure to deny or abridge the right to vote on account of race or color,” according to a Reapportionment and Redistricting of the United States document citing 42 U.S.C. § 1973 (1965).

Indians in both Arizona and South Dakota have been subject to voting schemes that aim to dilute or pack the Indian vote. ... Litigation to enforce voting rights is not a sufficient alternative to Section 5 coverage.”

Section 5 applies to certain jurisdictions that have a previous history of discrimination. Arizona is a covered jurisdiction under Section 5 because of the State’s past history of discriminatory practices with regards to voting. Arizona must submit redistricting plans and any changes to electoral laws, practices, or procedures for preclearance to the United States Department of Justice or the United States District Court for the District of Columbia before enacting any changes.

The brief describes each entity or person filing.

In part, for the Navajo Nation it states, “The Navajo Nation has been involved in a number of voting rights lawsuits to ensure that its members can participate in the electoral process.” It also provides the Navajo Nation’s demographics and geographical information, and its and members support to Congress of the reauthorization act.

For NNHRC it states, “Mr. Gorman is the Director of the Navajo Nation Human Rights Commission. The Commission is charged with protecting and promoting the human rights of Navajo citizens. As part of this mission, the Commission is focused on ensuring that Navajo citizens are able to vote and elect candidates of their choice. He has participated most recently in the congressional and legislative redistricting for the states of Arizona, New Mexico and Utah. He testified before the Arizona Independent Redistricting Commission. Mr. Gorman was a plaintiff in Navajo Nation v. Brewer, challenging Arizona’s voter identification law.” (See *amici curiae* for more information about Mr. Wounded Head, Sr., and Mr. Semans, Sr.)

In the brief's argument summary, it states, "Indian people have endured a century of discrimination and overcome new obstacles each generation in order to exercise the right to vote in state and federal elections. Nowhere have these struggles been more prevalent than in the Section 5 covered jurisdictions of Apache, Navajo and Coconino Counties in Arizona the home of the Navajo Nation and Todd and Shannon Counties in South Dakota the home of the Rosebud and Oglala Sioux."

After stating the reason of the brief, it continues, "While passage of the Voting Rights Act in 1965 ended certain means of discrimination, Indians continued to be denied the right to vote through a variety of new strategies. As part of the 2006 reauthorization process, Congress obtained evidence that Indians continued to be disenfranchised by voting schemes, polling place discrimination and ineffective language assistance. The 2006 reauthorization was a legitimate Congressional response to the disenfranchisement. Protected by the Section 5 preclearance, voter registration and turnout have increased, but new challenges have arisen that require continued vigilance. Section 5 preclearance remains a key component to protecting the fundamental right to vote. The minimal burden required of covered jurisdictions to comply with Section 5 is justified to protect Indian voters."

Continuing to show how important the VRA is, it states, "Indians in both Arizona and South Dakota have been subject to voting schemes that aim to dilute or pack the Indian vote. ... Indian voters continue to suffer from some of the highest poverty rates and unemployment rates in the country. ... Litigation to enforce voting rights is not a sufficient alternative to Section 5 coverage."

Finally, not too long ago, the State of Arizona "... noted that the compliance with Section 5 is a minimal burden that does not intrude upon state sovereignty," according to the brief from the Navajo Nation, Gorman, Wounded Head, Sr., Semans, Sr.

In 2009, the State of Arizona stated, "The *Amici* States urge [t]his Court to uphold the constitutionality of the 2006 Reauthorization of the Voting Rights Act. Any assertion that Section 5 constitutes an undue intrusion on state sovereignty does not withstand scrutiny. Section 5 does not place an onerous burden on States. States have been able to comply with Section 5 without undue costs or expense," according to an *amici* brief for the States of North Carolina, et al, Northwest Austin Municipal Utility District One v. Holder.

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